

REMARKS

Claims 1 and 16-17 are amended. Claims 1-11 and 13-20 are pending.

The specification is amended to correct minor typographical errors.

The amendments to the specification and claims are based on the application as originally filed, so it is respectfully submitted that no new matter has been added.

In the office action, claims 1-20 were rejected under 35 U.S.C. § 103(a) in view of European Patent Number 0 304 002 A1 to Kleine (“Kleine ‘002”).

Claim 12 has been canceled.

It is respectfully submitted that claims 1-11 and 13-20, as amended, are patentable over Kleine ‘002. To facilitate the discussion of Kleine ‘002, FIGS. 1 and 3 of Kleine ‘002 have been marked-up and modified by the applicant, as shown in attached Appendix A, to add labels P-V and to illustrate a chuck sleeve and diameters of the various components.

Section P is the rightmost section of the guide region 11.

Section Q is the leftmost section of the guide region 11 which, as shown in marked-up FIG. 1 of Kleine ‘002, is to right of the entrain 16 and locking groove 18.

Section R is a rightmost section of a drill bit situated to the left of the entrain 16 and having a surface 13.

Section S is an intermediate section of the drill bit situated to the left of Section R and also having the surface 13.

Diameter T corresponds to the diameter of the entrain 16.

Diameter U corresponds to the diameter of sections R and S.

A chuck sleeve V is represented as enveloping the shank when the shank has been inserted into the chuck sleeve V to the right, as shown by the rightward arrow in marked-up and modified FIG. 3.

Gap W is a gap which is formed between the leftmost section of the chuck sleeve V and the section S of the shank.

As can be readily seen by one having ordinary skill in the art considering Kleine '002 in view of Appendix A showing the components and relationships therebetween of Kleine '002, sections P and Q are clearly guiding regions for the shank for insertion into the chuck sleeve V. However, between these guiding regions P and Q, Kleine '002 has only grooves 12 and lacks any entrains or entrain strips arranged between the guiding regions, as in the claimed invention in which at least one radially projecting entrain strip 2 is arranged between the at least two guide regions 1a, 1b. Therefore, the claimed invention is patentable over Kleine '002.

In addition, the claimed invention requires at least one locking groove 3 between the at least two guiding regions 1a, 1b. On the contrary, Kleine '002 has a locking groove 18 arranged between section R and the single guiding region to the right thereof identified as section Q.

It is respectfully submitted that section R, clearly shown in Kleine '002 and as labeled in Appendix A, cannot function as a guiding region, and therefore Kleine '002 lacks at least one locking groove between the guiding regions thereof, as in the claimed invention.

In particular, when the shank is mounted within the chuck sleeve V, as shown in modified FIG. 3 in Appendix A, there is always a gap W formed between the chuck sleeve V and the surface of section R, since the entrain 16 substantially fits and abuts the interior surface of the chuck sleeve V, and since diameter U of Section R is clearly less than the diameter T formed by the entrain 16 and the body of the shank.

The presence of this gap W is further illustrated by the surface 13 of the drill bit of Kleine '002, which extends from the leftmost side of FIG. 1 of Kleine '002 to the rightmost portion of the drill bit and up to the entrain 16 at section R as shown in modified FIGS. 1 and 3 in Appendix A.

Kleine '002 further supports that a gap W is always formed between the shank and the chuck sleeve or other sleeves 40, as shown in FIG. 7 of Kleine '002 with the gap forming near reference numeral 43 in FIG. 7.

Therefore, one having ordinary skill in the art would not look to Kleine '002 for the present invention, since section R of the shank of Kleine '002 will never operate as a guiding region. There is no motivation in Kleine '002 to eliminate the gap W to have section R act as a guiding region, and there is no motivation or suggestion to have section R possess an identical diameter as the guiding sections P or Q, or for section R to match sections P or Q in structure.

On the contrary, Kleine '002 teaches away from the claimed invention since FIGS. 1, 3, and 7 of Kleine '002 teach the presence of a gap W, preventing section R from functioning as a guiding region, and so Kleine '002 cannot provide any locking groove between the at least two guiding regions, as in the claimed invention. In addition, Kleine '002 necessarily has section R operate in a different manner than the guiding regions P and Q due to the location and dimensions of section R in relation to the chuck sleeve V and the gap W formed therebetween.

Furthermore, one having ordinary skill in the art would not look to Kleine '002 for a shank and components thereof for use in a rotary and/or percussive tool. Kleine '002 only has an axial fixed connection, as described in Kleine '002, column 3, lines 41-44. That is, Kleine '002 only provides an axial fixed connection after the tool or shank of Kleine '002 is inserted into the chuck sleeve and before the tool is moved during operation. The locking groove 18 of Kleine

'002 does not provide for axial displacement of the locking member 49, as shown in FIG. 7, but instead Kleine '002 specifically discloses that "The grooves 18 in the entrain surfaces 16 have, at their end remote from the cutter 15, an indentation 21 in order to prevent axial displacement (FIG. 3)" (Kleine '002, column 6, lines 32-36) (emphasis added). Therefore, one having ordinary skill in the art would recognize that the shank of Kleine '002 is not suitable for a rotary and/or percussive tool.

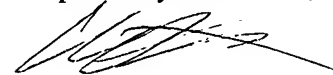
On the contrary, the claimed invention provides at least one locking groove 3 arranged between the at least two guide regions 1a, 1b, with the at least one locking groove 3 being axially closed at opposite ends thereof and adapted to receive at least one radially displaceable and axially displaceable, within predetermined limits, locking member 4 of a chuck, which is specifically adapted for a rotary and/or percussive tool.

Accordingly, claim 1-11 and 13-20 are patentable over Kleine '002, so reconsideration and withdrawal of the rejection are respectfully requested.

Entry and approval of the present amendment and allowance of all pending claims are respectfully requested.

In case of any deficiencies in fees by the filing of the present amendment, the Commissioner is hereby authorized to charge such deficiencies in fees to Deposit Account Number 01-0035.

Respectfully submitted,



Anthony J. Natoli
Registration number 36,223
Attorney for applicants

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ABELMAN, FRAYNE & SCHWAB
666 Third Ave., 10th Floor
New York, NY 10017-5621
(212) 949-9022